

1 BEFORE THE ARIZONA REGULATORY BOARD
2 OF PHYSICIAN ASSISTANTS

3 In the Matter of

4 **Jeffrey T. Mikesell, P.A.**

5 Holder of License No. 4233
6 For the Performance of Health Care Tasks
7 In the State of Arizona.

CASE NO. PA-10-0028A

**LETTER OF REPRIMAND AND
PROBATION AND CONSENT TO THE
SAME**

8 Jeffrey T. Mikesell, P.A. ("Respondent") elects to permanently waive any
9 right to a hearing and appeal with respect to this Order for Letter of Reprimand and
10 Probation; admits the jurisdiction of the Arizona Regulatory Board of Physician Assistants
11 ("Board"); and consents to the entry of this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 physician assistants in the State of Arizona.

15 2. Respondent is the holder of license number 4233 for the performance of
16 health care tasks in the State of Arizona.

17 3. The Board initiated case number PA-10-0028A after receiving notification
18 from the Board's Physician Health Program (PHP) monitoring service that Respondent
19 relapsed, which is a violation of his April 14, 2009 Stipulated Rehabilitation Agreement.

20 4. On April 14, 2009, Respondent entered into a Stipulated Rehabilitation
21 Agreement (SRA). In the event of a chemical dependency relapse, the SRA required that
22 Respondent enter into an Interim Consent Agreement for Practice Restriction. In
23 addition, Respondent would be prohibited from performing health care tasks until such
24 time that he successfully completed a long term inpatient/residential treatment program
25 for chemical dependency.

1 5. On April 1, 2010, the Board received notification from the PHP monitoring
2 service (Monitor) that Respondent tested positive for Ambien on March 27, 2010.
3 Respondent obtained the Ambien from a sample closet at his workplace, and was not
4 prescribed to him. According to the Monitor, the test result established a chemical
5 dependency relapse in violation of Respondent's SRA. The Monitor found that
6 Respondent was not safe to perform health care tasks until successfully completing long
7 term residential treatment.

8 6. On April 2, 2010, Respondent entered into an Interim consent Agreement
9 for Practice Restriction and on August 6, 2010, Respondent successfully completed long
10 term residential treatment. Respondent subsequently met with the Monitor who
11 recommended that Respondent was safe to return to performing health care tasks. The
12 Monitor recommended that Respondent enter the Board's Physician Health Program
13 (PHP) for a period of five years. On August 23, 2010, Respondent entered into an Interim
14 Consent Agreement for PHP participation, at which time the Interim Consent Agreement
15 for Practice Restriction was vacated.

16 **CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondent.

19 2. The conduct and circumstances described above constitute unprofessional
20 conduct pursuant to A.R.S. § 32-2501(21)(d) ("[h]abitual intemperance in the use of
21 alcohol or habitual substance abuse") and A.R.S. § 32-2501(21)(k) ("[v]iolation of a formal
22 order, probation or stipulation issued by the board.")

23 **ORDER**

24 1. Respondent is issued a Letter of Reprimand.
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2. Respondent is placed on Probation for **five years** with the following terms and conditions:

1. **Participation**¹. Respondent shall promptly enroll in and participate in the Board's Physician Health Program (PHP) monitoring service which is administered by a private contractor. ("Monitor").

3. **Relapse Prevention Group**. Respondent shall attend the Monitor's relapse prevention group therapy sessions one time per week for the duration of this Order, unless excused by the relapse prevention group facilitator for good cause. Individual relapse therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-approves substitution. The relapse prevention group facilitators or individual relapse prevention therapist shall submit monthly reports to the Monitor regarding attendance and progress.

4. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall attend ninety 12-step meetings or other self-help group meetings appropriate for substance abuse and approved by the Monitor, for a period of ninety days. Upon completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step recovery program or other self-help program appropriate for substance abuse as recommended by the Monitor. Respondent shall attend a minimum of three 12-step or other self-help program meetings per week. Two meetings per month must be Caduceus meetings. Respondent must maintain a log of all self-help meetings.

5. **Approved Primary Care Physician**. Respondent shall promptly obtain a primary care physician and shall submit the name of the physician to the Monitor in

¹ Respondent's MAP participation is retroactive to August 23, 2010.

1 writing for approval. The approved primary care physician ("PCP") shall be in charge of
2 providing and coordinating Respondent's medical care and treatment. Except in an
3 *Emergency*, Respondent shall obtain medical care and treatment only from the PCP and
4 from health care providers to whom the PCP refers Respondent. Respondent shall
5 promptly provide a copy of this Order to the PCP. Respondent shall also inform all other
6 health care providers who provide medical care or treatment that Respondent is
7 participating in PHP. "*Emergency*" means a serious accident or sudden illness that, if not
8 treated immediately, may result in a long-term medical problem or loss of life.

9 6. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
10 unless the PCP or other health care provider to whom the PCP refers Respondent
11 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
12 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
13 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
14 controlled substance is prescribed, dispensed, or administered to Respondent by any
15 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
16 notify the Monitor immediately.

17 7. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
18 food, or other substance containing poppy seeds or alcohol.

19 8. **Biological Fluid Collection.** Respondent shall provide the Monitor in
20 writing with one telephone number that shall be used to contact Respondent on a 24 hour
21 per day/seven day per week basis to submit to biological fluid collection. For the purposes
22 of this section, telephonic notice shall be deemed given at the time a message to appear
23 is left at the contact telephone number provided by Respondent. Respondent authorizes
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1 any person or organization conducting tests on the collected samples to provide testing
2 results to the Monitor. Respondent shall comply with all requirements for biological fluid
3 collection.

4 9. **Out of State Travel and/or Unavailability at Home/Office Telephone**
5 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
6 out of state.

7 10. **Payment for Services.** Respondent shall pay for all costs, including
8 Monitor costs, associated with participating in PHP at time service is rendered, or within
9 30 days of each invoice sent to Respondent.

10 11. **Interviews.** Respondent shall appear in person before the Monitor for
11 interviews upon request, upon reasonable notice.

12 12. **Address and Phone Changes, Notice.** Respondent shall immediately
13 notify the Monitor in writing of any change in office or home addresses and telephone
14 numbers.

15 13. **Relapse, Violation.** In the event of chemical dependency relapse by
16 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
17 Respondent's license shall be **summarily suspended pending a hearing for**
18 **revocation.** In the alternative, Respondent may **SURRENDER HIS LICENSE** if he
19 agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

20 14. **Notice Requirements.** Respondent shall immediately provide a copy of
21 this Order to all current and future supervising physicians, employers and all hospitals
22 and free standing surgery centers where Respondent has privileges. Within 30 days of
23 the date of this Order, Respondent shall provide the Monitor with a signed statement of
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1 compliance with this notification requirement. Respondent is further required to notify, in
2 writing, all supervising physicians employers, hospitals and free standing surgery centers
3 where Respondent currently has or in the future gains employment or privileges, of a
4 chemical dependency relapse.

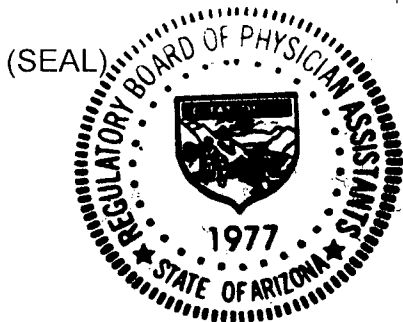
5 15. Out-of-State. In the event Respondent resides or practices as a physician
6 assistant in a state other than Arizona, Respondent shall participate in the rehabilitation
7 program sponsored by that state's medical licensing authority or medical society.
8 Respondent shall cause the monitoring state's program to provide written quarterly
9 reports to the Monitor regarding Respondent's attendance, participation, and monitoring.
10 The monitoring state's program and Respondent shall immediately notify the Monitor if
11 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b)
12 relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug
13 test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e)
14 is required to undergo any additional treatment.

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16 16. Respondent shall immediately obtain a treating psychiatrist approved by the
17 Monitor and shall remain in treatment with the psychiatrist until further order. Respondent
18 shall instruct the psychiatrist to release to the Monitor, upon request, all records relating
19 to Respondent's treatment, and to submit quarterly written reports to the Monitor
20 regarding diagnosis, prognosis, medications, and recommendations for continuing care
21 and treatment of Respondent. Respondent shall provide the psychiatrist with a copy of
22 this order. Respondent shall pay the expenses of all the psychiatric care and for the
23 preparation of the quarterly reports. After **twelve months**, Respondent may submit a
24 written request to the Monitor requesting termination of the requirement that Respondent
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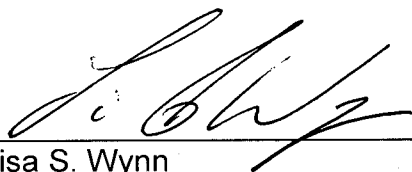
1 remain in treatment with a psychiatrist. The decision to terminate will be based, in part,
2 upon the treating psychiatrist's recommendation for continued care and treatment.

3 17. The Board retains jurisdiction and may initiate new action based upon any
4 violation of this Order.

5 DATED AND EFFECTIVE this 24th day of February, 2010.



ARIZONA REGULATORY BOARD OF
PHYSICIAN ASSISTANTS

9
10 By 
11 Lisa S. Wynn
12 Executive Director

13 **CONSENT TO ENTRY OF ORDER**

14 1. Respondent has read and understands this Consent Agreement and the
15 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
16 acknowledges he has the right to consult with legal counsel regarding this matter.

17 2. Respondent acknowledges and agrees that this Order is entered into freely
18 and voluntarily and that no promise was made or coercion used to induce such entry.

19 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
20 to a hearing or judicial review in state or federal court on the matters alleged, or to
21 challenge this Order in its entirety as issued by the Board, and waives any other cause of
22 action related thereto or arising from said Order.

23 4. The Order is not effective until approved by the Board and signed by its
24 Executive Director.

1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

7 6. Upon signing this agreement, and returning this document (or a copy
8 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
9 entry of the Order. Respondent may not make any modifications to the document. Any
10 modifications to this original document are ineffective and void unless mutually approved
11 by the parties.

12 7. This Order is a public record that will be publicly disseminated as a formal
13 disciplinary action of the Board and will be reported to the National Practitioner's Data
14 Bank and on the Board's web site as a disciplinary action.

15 8. If any part of the Order is later declared void or otherwise unenforceable,
16 the remainder of the Order in its entirety shall remain in force and effect.

17 9. If the Board does not adopt this Order, Respondent will not assert as a
18 defense that the Board's consideration of the Order constitutes bias, prejudice,
19 prejudgment or other similar defense.

20 10. Any violation of this Consent Agreement constitutes unprofessional conduct
21 and may result in disciplinary action. A.R.S. § 32-2501(21)(dd) ("[v]iolating a formal
22 order, probation agreement or stipulation issued or entered into by the board or its
23 executive director") and 32-2551.

24 11. ***Respondent has read and understands the conditions of probation.***
25

1 Jeffrey T. Mikesell
Jeffrey T. Mikesell, P.A.

DATED: 11/19/10

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3 ORIGINAL of the foregoing filed this
4 2nd day of February, 2010, with:

5 Arizona Regulatory Board of Physician Assistants
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

8 EXECUTED COPY of the foregoing mailed
9 this 2nd day of February, 2010, to:

10 Jeffrey T. Mikesell, P.A.
11 Address of Record

12 Sucher & Greenberg, P.C.
13 Address on file

14 Chris Bonney
15 Arizona Regulatory Board
16 of Physician Assistants Staff
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